IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4944 OF 2006

Shri Vilas Dattatray Patil, .. Petitioner

Vs

Shri Vijay Dattatraya Pol and ors .. Respondents.

Mr S.B.Deshmukh, for the petitioner.
Ms Sharvari Shailendra i/b Mr P.S.Dani, for respondent no.1.

CORAM : D.B.BHOSALE,J.
DATE : 11.10.2006
PC:

1. Heard the learned counsel for the parties.

2. The petitioner has taken exception to the order dated 7.7.2006, passed on his application at Exhibit-57 filed under section 10 of CPC seeking stay of Special Civil Suit No.311 of 2004. The previous Special Civil Suit No.70 of 2003 between the same parties is pending. Mr.Deshmukh, learned counsel for the petitioner submitted that the matter in Special Civil Suit No.311 of 2004 is also directly and substantially in issue in previously instituted Special Civil Suit no.70 of 2003 and hence prayed for stay of the proceedings in the subsequent suit. I have perused the order. In my opinion, the learned Judge has rightly rejected the application for the reasons recorded in the order and in particular paragraphs 13 and 14 thereof. In my opinion,

the impugned order does not suffer from any infirmity warranting interference by this Court under Article 227 of the Constitution of India. Hence, the writ petition is dismissed.

(D.B.BHOSALE,J.)